

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION**

IN RE: VOLKSWAGEN “CLEAN DIESEL”
MARKETING, SALES PRACTICES AND
PRODUCTS LIABILITY LITIGATION

MDL 2672 CRB

**DECLARATION OF JENNIFER
KEOUGH ON SETTLEMENT NOTICE
PLAN PROGRESS**

This Documents Relates to:

Porsche Gasoline Litigation

The Honorable Charles R. Breyer

1 I, Jennifer Keough, hereby declare and state as follows:

2 1. I am the Chief Executive Officer and President of JND Legal Administration LLC
3 (“JND”). As the CEO and President of JND, I oversee all facets of our company’s operations,
4 including monitoring and implementing our notice and claims administration programs. This
5 Declaration is based on my personal knowledge as well as upon information provided to me by
6 experienced JND employees, and if called upon to do so, I could and would testify competently
7 thereto.

8 2. This Declaration describes the implementation of the Notice Plan,¹ as outlined in
9 my Declaration on Settlement Notice Plan, dated June 15, 2022 (ECF 7971-3, the “Initial
10 Declaration”) and provides an update on the claims administration process. The Notice Plan is
11 ongoing and was designed to inform Class Members of the proposed Settlement and their rights
12 and options.

13 **CAFA NOTICE**

14 3. As set forth in my Initial Declaration, on June 24, 2022, JND mailed notice of the
15 Porsche Gasoline Emissions Settlement to the United States Attorney General and to the
16 appropriate State officials pursuant to Class Action Fairness Act of 2005.

17 **DIRECT NOTICE**

18 **A. Class Member Identification**

19 4. To prepare direct notice to Class Members, JND obtained the Vehicle
20 Identification Numbers (VINs) for each of the Class Vehicles and contact information for
21 potential Class Members. Defendants provided JND with data that identified 505,477 unique
22 Class Vehicle VINs. The files from the Defendants also included customer contact (email and
23 mailing address) and Class Vehicle information, among other information.

24 5. Using the Class Vehicle VIN data, JND staff worked with a third-party data
25 aggregation service to acquire vehicle registration information from the state Departments of
26 Motor Vehicles (“DMVs”) for all fifty states and U.S. Territories. This data compiled the contact
27

28 ¹ All capitalized terms not defined herein have the meanings given to them in my Initial Declaration.

1 information for all current and former owners and lessees of Class Vehicles, and enabled JND to
2 further identify potential Class Members.

3 6. JND combined, analyzed, de-duplicated and standardized the data that it received
4 from the Defendants and the DMVs to provide individual notice to virtually all settlement Class
5 Members.

6 7. JND promptly loaded the VINs and potential Class Member contact information
7 into a case-specific database for the Settlement. A unique identification number was assigned to
8 each Class Member to identify them throughout the administration process.

9 8. JND conducted a sophisticated email append process to obtain email addresses for
10 as many potential Class Members as possible. The email append process utilized skip tracing
11 tools to identify any email address by which the potential Class Member may be reached if an
12 email address was not provided in the initial data. JND then reviewed the data to identify any
13 undeliverable email addresses and duplicate records. Furthermore, JND performed advanced
14 address research using skip trace databases and the United States Postal Service (“USPS”) National
15 Change of Address (“NCOA”) database² to obtain the most current mailing address
16 information for potential Class Members.

17 **B. Direct Email Notice**

18 9. The direct email notice campaign commenced on July 15, 2022. JND emailed
19 notice to all potential Class Members for whom JND obtained a valid email address through
20 either the Defendants or the append process noted above. The email notice included the same
21 language as the Short Form Notice (ECF 7971-3, Exhibit E) and JND customized the emails to
22 include the potential Class Member’s name, address, and VIN. The email notice contained links
23 to the Settlement Website and directed the potential Class Member to visit the website to learn
24 more information and submit their settlement claim. As of August 26, 2022, JND sent a total of
25 1,096,929 email notices, of which 108,675 emails bounced back and were not deliverable.

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27
28 ² The NCOA database is the official USPS technology product that makes changes of address
information available to mailers to help reduce undeliverable mail pieces.

1 **C. Direct Mail Notice**

2 10. JND supplemented the direct email effort by sending a postcard notice to all
3 potential Class Members for whom an email notice bounced back as undeliverable, or for whom a
4 valid email address was not obtained. The postcard notice included the same language as the
5 Short Form Notice, and JND customized the postcard to include the potential Class Member's
6 name, address, and VIN. The postcard notice provided the URL and a QR code to the Settlement
7 Website and directed the potential Class Member to visit the website to learn more information
8 and submit their settlement claim. JND began mailing the postcard notices on August 19, 2022,
9 and has sent the postcard notices to 555,294 potential Class Members.

10 11. For any potential Class Member who had more than 10 VINs associated with their
11 name and address, JND sent the Short Form Notice and included a cover letter advising them of
12 the process to submit a bulk claim for more than 10 Class Vehicles.

13 **D. Reminder Notices**

14 12. In my opinion, the level of class member engagement with the (ongoing) notice
15 program has been encouraging. Nevertheless, to ensure the highest reasonable participation rate,
16 JND will also send reminder notices to potential Class Members to remind them of the
17 November 7, 2022 claim filing deadline. JND will send these reminder notices on or about
18 October 1, 2022, to potential Class Members who have not yet submitted a claim and have not
19 opted out of the Settlement or unsubscribed from the email notice campaign.

20 13. JND will continue to confer with Counsel to determine whether further reminder
21 notices may be needed with respect to potential Class Members.

22 14. In sum, the statistics on the direct mail and email notice to date reinforce the fact
23 that the notice program is broad in scope and designed to reach the greatest practicable number of
24 settlement Class Members.

25 **SUPPLEMENTAL DIGITAL NOTICE**

26 **A. Digital Campaign**

27 15. As detailed in the Initial Declaration, JND supplemented the direct notice effort
28 with a four-week digital campaign through GDN, a vast network that reaches over 90% of

internet users, popular Porsche forums, and related websites. The digital ads included an embedded link to the Settlement Website, where potential Class Members can get more information about the Settlement and file a claim online. As of August 19, 2022, a total of 41,990,491 impressions (i.e. display of the ad on a search result page or other site on the Google Network) were delivered through GDN, Porsche forums, and related websites, which resulted in 6,714 clicks.

B. Internet Search Campaign

16. JND implemented an internet search campaign to assist potential Class Members with locating the Settlement Website. JND purchased ads tied to keywords related to the Settlement so when those terms were searched, an advertisement with a hyperlink to the Settlement Website would appear on the results page. As of August 19, 2022, a total of 2,699 impressions were delivered through key word searches, resulting in 660 clicks.

SETTLEMENT WEBSITE AND OTHER CLASS MEMBER NOTICE

A. Settlement Website

17. On July 5, 2022, JND launched an interactive, case-specific Settlement Website at www.PorscheGasolineSettlementUSA.com, and this URL was listed in the direct notices. The website provides comprehensive information about the settlement, including answers to frequently asked questions (“FAQs”), contact information for the Settlement Administrator, key dates, and links to important case documents, including the Long Form Notice, the Short Form Notice, the Class Vehicle List, the Claim Form, and the Consumer Class Action Settlement Agreement and Release.

18. In addition, the Settlement Website provides a Benefit Calculator feature, where potential Class Members can input their VIN and dates/months of ownership to determine whether their vehicle may be eligible for compensation under the Settlement Agreement and how much money they can expect to receive.

19. The Settlement Website also features an online Claim Form with document upload capabilities for the submission of claims. Additionally, as noted above, a Claim Form is posted on

1 the Settlement Website for download for those Class Members who prefer to submit a Claim
2 Form by mail.

3 20. As of August 26, 2022, the Settlement Website has tracked a total of 146,074
4 unique users who registered 684,208 page views. JND will continue to update and maintain the
5 Settlement Website throughout the settlement administration process.

6 **B. Settlement Administrator Email Address**

7 21. JND has established a dedicated email address,
8 info@PorscheGasolineSettlementUSA.com, to receive and respond to Class Member inquiries.
9 As of August 26, 2022, JND has received 1,725 emails to the case email inbox.

10 **C. Settlement Administrator Toll-Free Number**

11 22. JND maintains a 24-hour, toll-free telephone line that Class Members can call to
12 obtain information about the Settlement. During business hours, JND's call center is staffed with
13 operators who are trained to answer questions about the Settlement. As of August 26, 2022, JND
14 has received 3,650 calls to the case telephone number.

15 **D. Settlement Administrator Post Office Box**

16 23. JND has established two separate post office boxes to administer this settlement—
17 one to receive Class Member correspondence and paper Claim Forms, and another solely to
18 receive exclusion requests.

19 **CLAIMS RECEIVED**

20 24. Class Members may file a claim online through the Settlement Website or submit
21 the Claim Form via postal mail. Class Members who do not wish to submit their claim online
22 may download and print a Claim Form through the Settlement Website, or request a mailed copy
23 of a Claim Form by contacting the Settlement Administrator.

24 25. As of August 26, 2022, JND has received 38,252 Claim Forms, of which 37,765
25 were submitted electronically online and 487 were submitted via mail.

26 26. JND continues to receive and process Claim Form submissions and will continue
27 to report to Counsel on the status of the claim intake and review. The claim filing deadline for
28 Class Members is November 7, 2022.

OBJECTIONS

27. The Short Form Notice and Long Form Notice (collectively, the “Notices”) informed recipients that any Class Member who wanted to object to the proposed Settlement could do so by submitting a written statement on or before September 30, 2022. As of August 26, 2022, JND has received or is otherwise aware of zero objections.

REQUESTS FOR EXCLUSION

28. The Notices also informed Class Members of their right to opt out of the Settlement and the September 30, 2022 postmark deadline to do so. As of August 26, 2022, JND has received or is otherwise aware of three requests for exclusion. Not later than 10 days before the date of the Fairness Hearing, JND will prepare and provide to Counsel a list of those persons who have excluded themselves from the Settlement.

CONCLUSION

29. In my opinion, the Notice Program is providing the best notice practicable under the circumstances of this case. I will provide a supplemental declaration to the Court prior to the Final Approval Hearing to provide updated information regarding the implementation of the Notice Plan and the claims administration process.

I declare under penalty of perjury that the foregoing is true and correct.

Executed August 26, 2022, at Seattle, Washington.

By: 

Jennifer M. Keough